

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68986 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- TISIAUTA District- Vaishali

PRAMOD RAI Son Of Shri Nageshwar Rai R/O Village- Simarwara, P.S.-
Patepur, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore (APP. 100)

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned counsel for the petitioner and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Tisiauta P.S. Case No. 56 of 2022 dated 28.05.2022 registered for the offence punishable under Section 394/34 of the Indian Penal Code.

4. As per the prosecution, the informant alleged that his truck loaded with iron rods (saria) worth Rs. 8,54,556/- was looted by three unknown miscreants aged between 16 and 27 years on the point of pistol.



5. The main submissions advanced by petitioner's counsel are that the petitioner is not named in the FIR and as per the FIR, three unknown miscreants aged between 16 and 27 years were alleged to have committed the alleged loot with the informant and the petitioner's age is 42 years and in view of the detail of the age of accused persons, who had committed the alleged occurrence, given by the informant in the FIR the petitioner cannot be deemed to be involved in the alleged loot and after his arrest, he was not put on *Test Identification Parade* and he has fair and clean antecedent and has been languishing in jail since 14.09.2022. Further submissions are that the so-called looted article was recovered on the same day of lodging of the FIR and as per the prosecution's allegations, the petitioner was found using the mobile phone of the informant and as per the prosecution, the said mobile is stated to be a looted article but in the FIR there is no detail of any mobile phone of the informant being looted by the accused persons and moreover the informant did not give any detail of the IMEI No. of his mobile phone and in fact the petitioner purchased the alleged mobile phone from a friend of his son by paying a meagre amount and after his arrest in the present matter, the police failed to recover any looted article from his possession except the said mobile phone.



6. Learned APP appearing for the State has opposed the bail prayer.

7. Considering the above submissions and mainly the petitioner's fair and clean antecedent and his custody period, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Tisiauta P.S. Case No. 56 of 2022.

(Shailendra Singh, J)

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